

Introduced by: Councilmember Elrich

First Reading: November 27, 2006

Second Reading: December 11, 2006

Effective Date: December 12, 2006

CITY OF TAKOMA PARK, MARYLAND

**ORDINANCE NO. 2006-53
(Ward 5 Special Election of January 30, 2007)**

WHEREAS, Ward 5 Councilmember Marc Elrich has been elected to serve on the Montgomery County Council, where his term will begin on December 4, 2006; and

WHEREAS, Councilmember Elrich has resigned from the City Council effective December 3, 2006; and

WHEREAS, Section 308 of the City Charter provides that if a vacancy on the Council occurs more than two hundred and forty (240) days before the next regularly scheduled City election, a special election shall be held to fill the vacancy; and

WHEREAS, Section 308 of the City Charter sets forth procedures for setting the date of the special election and provides a process for candidates to have their names placed on the ballot by petition; and

WHEREAS, by Resolution 2006-72, adopted on November 13, 2006, the City Council established January 30, 2007 as the date of the Ward 5 special election; and

WHEREAS, Section 609 of the City Charter mandates that all special City elections shall be conducted by the Council in the same manner as regular City elections, as far as practicable, as set forth in the Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

SECTION 1. A Ward 5 Special City Election shall be held at Columbia Union College, Wilkinson Hall Lobby, 7600 Flower Avenue, Takoma Park, Maryland, on Tuesday, January 30, 2007, between the hours of 7:00 a.m. and 8:00 p.m. for the purpose of electing a Ward 5 Councilmember, as follows:

- A. A Ward 5 Councilmember shall be elected by the voters of that ward only;
- B. Votes shall be cast in the special election by paper ballots; and
- C. Absentee voting shall be permitted as set forth in Title 5, Elections, Chapter 5.20, Absentee Voting, of the Takoma Park Code.

SECTION 2. If the qualification requirements of Section 304 of the City Charter are met, a person may have his or her name listed on the special election ballot as a candidate by filing a petition with the City Clerk no later than 5:00 p.m. on January 10, 2007. The petition shall clearly state that its purpose is to place a specific person's name on the ballot for the Ward 5 special election to be held on January 30, 2007. The petition shall be signed by at least 10 qualified voters of Ward 5. Each qualified voter shall both sign and print his/her name and shall include his/her address and the date of his/her signature on the petition.

SECTION 3. Before listing a person's name on the special election ballot, the City Clerk shall verify that sufficient signatures on the petition are from qualified voters of Ward 5. The invalidation of one signature on a petition shall not serve to invalidate any other signatures on the petition.

SECTION 4. The City Clerk shall provide paper ballots for the special election and sufficient voting booths for use by voters of the ward. The names of candidates shall be arranged alphabetically on all ballots.

SECTION 5. If any person registers as a write-in candidate in accordance with Section 605 of the City Charter, then the City Clerk shall arrange to have her/his name posted in the voting booths for the purpose of identifying her/him as a candidate for office.

SECTION 6. The City Clerk shall arrange for a space on the ballot for write-in votes.

SECTION 7. Notice of the special election shall be mailed to all households in Ward 5. In addition, the City Clerk shall arrange to have a sample ballot mailed to all registered voters of Ward 5, timed to be received by voters prior to the date of the special election.

SECTION 8. The City Clerk shall prepare a voter list for the ward bearing the names and addresses of all eligible voters in the ward, as certified by the Board of Supervisors of Election for Montgomery County, and shall supply such list to the Election Judges on election day. The voter registration information for all eligible non-United States citizens (names and addresses) who have registered with the City Clerk's office to vote in Ward 5 shall be incorporated into the respective ward voter lists.

SECTION 9. The City Clerk shall recommend to the Council the names of persons for designation by the Council as Election Judges to serve for the 2007 special election.

SECTION 10. Following the closing of the polls, the Election Judges shall tabulate the paper ballots cast using procedures to ensure the secrecy of the ballot, rejection of all votes when the number of votes cast by a voter exceeds the number that the voter is entitled to cast, correct counting of votes on ballots on which the proper number of votes has been indicated, the tabulating and recording of votes, and the prompt reporting of election returns after the official closing of the polls.

SECTION 11. The candidate receiving a majority of votes shall be declared elected. An instant runoff voting system shall be used to allow voters to rank candidates in order of choice. If no candidate receives a majority of first choices, the judges of election shall conduct an instant runoff consisting of additional rounds of ballot counting as set out in Section 606(e) through 606(h) of the City Charter. Instructions provided to voters shall conform substantially to the specifications of Section 606(c) of the City Charter.

SECTION 12. The Election Judges shall meet in the Takoma Park Community Center – Sam Abbott Citizens Center, as a Board of Election at 7:00 p.m. on Wednesday, January 31, 2007, and shall determine and certify the results of the election, as provided in City Charter Section 611.

SECTION 13. The City Council shall hold a Special Meeting in the Community Center – Sam Abbott Citizens Center at 7:30 p.m. on Wednesday, January 31, 2007, to receive the certification of the election results from the Election Judges.

SECTION 14. This Ordinance becomes effective upon adoption.

ADOPTED THIS 11th DAY OF DECEMBER, 2006, BY ROLL-CALL VOTE AS FOLLOWS:

AYE:	Porter, Austin-Lane, Clay, Seamens, Williams
NAY:	None
ABSTAIN:	None
ABSENT:	Barry